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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,504	09/28/2001	Itaru Fukushima	K-2010	2561

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EXAMINER

HAMILTON, ISAAC N

ART UNIT PAPER NUMBER

3724

DATE MAILED: 02/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/964,504

Applicant(s)

FUKUSHIMA ET AL.

Examiner

Isaac N Hamilton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-22 and 24-35 is/are pending in the application.
- 4a) Of the above claim(s) 32, 34 and 35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-22, 24-31 and 33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Newly submitted claims 32, 34 and 35, directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 20-22, 24-31 and 33, drawn to a cutting device for cutting four edges of a recording medium, classified in class 83, subclass 408.
- II. Claims 32, 34 and 35, drawn to an image forming apparatus, classified in class 400, subclass 621.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as cutting recording medium when it is curved by 90 degrees. Invention II has separate utility such as exposing and developing the recording medium. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution

on the merits. Accordingly, claims 32, 34 and 35 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 20-22, 24-31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cameron et al (1,567,706), hereafter Cameron, in view of Pfister (1,340,137). Cameron discloses feed path of recording medium 3 in figure 1, which is the path that the medium 3 travels; curved portion occurs when the medium is bent around element 1; transfer direction is the direction that medium 3 is traveling in figure 1; middle is at 1; first feed rollers 12, which are shown in figures 4 and 5, and although they are not shown in figure 1, it is implied that they are part of the apparatus because the apparatus is used with calendering rolls as stated in column 1, lines 17-21; first feed rollers 12 contact the medium 3 in figures 4 and 5, and, therefore, contact the two side edges which are cut by the side cutter; end cutter 6, 7; side cutter 1, 2; axes inside elements 1 and 2; end cutter moving mechanism 6; upstream side is to the right of cutter 6, 7 in figure 1; feed path length is shorter than length of the recording medium in the transfer direction as seen in figures 4 and 5; the transfer direction is defined by the length that the recording medium travels, and in the figures 4 and 5 the transfer direction length is from the right side on the figure to the left side of the figure; it is implied in column 3, lines 37-39, that cutter 6, 7 cuts

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a leading edge, cutter 2 partially cuts the medium and completely cuts the medium, and the cutter 6 and 7 cuts the trailing edge because the frequency of rotation of cutter 6 and 7 can be changed; curved portion has about 90 degrees; second pair of feed rollers 4, 5; side cutting driving mechanism in column 3, lines 1-2 and 15-17; containing section 10; containing section 10 inherently has an antistatic property as shown in figure 3 because the medium 8 are not wrinkled or bunched-up due to static friction, but instead in linear relationship to one another; housing shown in figure 1; containing section 10 is disposed under the side cutter and the end cutter in a vertical direction; containing section 10 receives all of the parts of the medium 3 after it has been cut; corner portion is the element that side cutter 1 and 2 is mounted on; fixed blade 7; movable blade 6; end cutter moving mechanism is inherent because the movable blade 7 would not rotate without a moving mechanism. Cameron does not disclose two pairs of rotary blades, and does not disclose transfer rollers. However, Pfister teaches two pairs of rotary blades 35, 36; transfer rollers 17, 18, 24, 25. It would have been obvious to provide two pairs of rotary blades and transfer rollers in Cameron in view of Pfister in order to produce a clean, shearing cut in the case that the material thickness is doubled or tripled. See column 3, lines 1-10.

Response to Arguments

4. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection. Pertaining to applicants assertion that that the structure of the side cutter of the instant application is different from that disclosed in Pfister. It is believed that the structure of the side cutter of the instant application is the same as that disclosed in Pfister

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because the pulleys 17, 18, 24, 25 are rollers that have grooves for belts. The pulleys 17, 18, 24 and 25 feed the medium along the feed path as disclosed in Pfister on page 1, lines 81-85.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac Hamilton whose telephone number is 571-272-4509. The examiner can normally be reached on Monday through Friday between 8am and 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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February 16, 2005

all

Allan N. Shoap
Supervisory Patent Examiner
Group 3700